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HOUSE BILL 483

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Ron Godbey

AN ACT

RELATING TO ELECTIONS; PROVIDING FOR A COUNTY ELECTION ADMINISTRATOR; PROVIDING FOR AN ELECTION COMMISSION IN CERTAIN COUNTIES; CHANGING THE DUTIES AND POWERS OF COUNTY CLERKS IN CERTAIN COUNTIES; PRESCRIBING PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Election Code is enacted to read:

" NEW MATERIAL SHORT TITLE. -- Sections 1 through 9 of this act may be cited as the "County Election Administrator Act". "

Section 2. A new section of the Election Code is enacted to read:

" NEW MATERIAL DEFINITIONS. -- As used in the County Election Administrator Act:

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1 A. "administrator" means a county election
2 administrator;

3 B. "county commission" means a board of county
4 commissioners in a class A county with a population greater
5 than five hundred thousand; and

6 C. "election commission" means a board of county
7 election commissioners. "

8 Section 3. A new section of the Election Code is enacted
9 to read:

10 "[NEW MATERIAL] CREATION OF AN ADMINISTRATOR POSITION. --

11 A. A county commission by a majority vote may
12 create the position of administrator.

13 B. An administrator shall assume all the powers
14 and duties of the county clerk as prescribed by the Election
15 Code with respect to elections.

16 C. Upon creating the position of administrator,
17 the county commission shall issue a written order that states
18 the date the position is effective.

19 D. Within three days of the issuance of the
20 written order by the county commission, the county clerk shall
21 deliver a certified copy of the order to the secretary of
22 state and the secretary of finance and administration. "

23 Section 4. A new section of the Election Code is enacted
24 to read:

25 "[NEW MATERIAL] APPOINTMENT OF ADMINISTRATOR-- ELECTION

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1 COMMISSION. - -

2 A. Upon creating the position of administrator,
3 the county commission shall create the "election commission".

4 B. The election commission shall consist of the:

5 (1) probate judge, who shall serve as
6 chairman;

7 (2) county clerk, who shall serve as
8 secretary;

9 (3) county assessor;

10 (4) county treasurer; and

11 (5) county chairman of each major political
12 party that made nominations by primary election for the last
13 general election for state and county officers preceding the
14 date of the meeting at which the appointment is made.

15 C. The term of office for each election
16 commissioner shall run concurrently with his term of office.
17 The sole duties of the election commission shall be to appoint
18 an administrator and to vote to remove an administrator.

19 D. The affirmative vote of a majority of the
20 election commission is necessary for the appointment of an
21 administrator.

22 E. The appointment of an administrator shall be
23 confirmed by a majority vote of the county commission and
24 evidenced by a written order.

25 F. Within three days after the appointment, the

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1 county commission shall file a copy of the county commission's
2 written order with the county clerk and shall deliver a
3 certified copy to the secretary of state.

4 G. The initial appointment may be made at any time
5 after the adoption of the order creating the position. "

6 Section 5. A new section of the Election Code is enacted
7 to read:

8 "[NEW MATERIAL] ELECTION COMMISSION MEETINGS. --

9 A. The election commission shall meet at the call
10 of the chairman.

11 B. Any election commissioner may call a meeting if
12 the chairman fails to call a meeting after he is requested to
13 do so.

14 C. All election commissioners shall receive
15 written notice of the date, hour and place of the meeting at
16 least four days prior to the day of the meeting.

17 D. Upon the establishment of a quorum, each
18 election commissioner present at a meeting shall be entitled
19 to vote on the appointment of an administrator. "

20 Section 6. A new section of the Election Code is enacted
21 to read:

22 "[NEW MATERIAL] ELIGIBILITY--RESTRICTIONS ON POLITICAL
23 ACTIVITIES. --

24 A. Any voter is eligible for appointment as
25 administrator.

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B. An administrator shall not:

- (1) be a candidate for a public office;
- (2) be a candidate for an office of a political party;
- (3) hold another public office; or
- (4) hold an office in a political party.

C. If an administrator violates Subsection B of this section, the position shall be declared vacant by the election commission.

D. An administrator who makes a political contribution or political expenditure or who publicly supports or opposes a candidate for public office or a measure to be voted on at an election is guilty of a misdemeanor and shall be sentenced pursuant to Subsection A of Section 31-19-1 NMSA 1978. On a final conviction, the position of administrator shall be declared vacant. An administrator convicted of a misdemeanor in violation of this section shall be ineligible to hold the position of administrator in any county."

Section 7. A new section of the Election Code is enacted to read:

"[NEW MATERIAL] TERMINATION. -- An administrator shall be removed only for cause by a majority vote of the election commission and the approval of that action by a majority vote of the county commission."

Section 8. A new section of the Election Code is enacted

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1 to read:

2 "[NEW MATERIAL] SALARY--STAFF--OPERATING EXPENSES.--

3 A. The county commission shall provide an
4 administrator with appropriate staff, suitable office space
5 and equipment and sufficient funding for the operation of the
6 office.

7 B. The county commission may fund the
8 administrator's position by transferring one of the two deputy
9 clerk positions to the elections administrator.

10 C. The administrator's salary and benefits shall
11 not exceed those of other appointed deputies. "

12 Section 9. A new section of the Election Code is enacted
13 to read:

14 "[NEW MATERIAL] TRANSFER OF RECORDS AND PROPERTY.-- Upon
15 the appointment of an administrator, the county clerk shall
16 transfer to the administrator all records pertaining to voter
17 registration and all voting equipment, supplies and records
18 that pertain to elections. "

19 Section 10. Section 3-8-6 NMSA 1978 (being Laws 1985,
20 Chapter 208, Section 14, as amended) is amended to read:

21 "3-8-6. COUNTY CLERK--ELECTION DUTIES.--

22 A. The [~~county clerk~~] elections administrator
23 shall maintain accurate voter registration information for
24 each municipality located in the county. The [~~county clerk~~]
25 elections administrator shall provide to the municipal clerk,

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1 in advance of a municipal regular or special election, the
2 names of only those registered voters entitled to vote in the
3 municipal election as required in Subsection B of Section
4 3-8-7 NMSA 1978.

5 B. In those counties that opt to appoint a county
6 election administrator pursuant to the County Election
7 Administrator Act, the county election administrator shall
8 assume the duties delineated in Subsection A of this section. "

9 Section 11. Section 3-8-7 NMSA 1978 (being Laws 1965,
10 Chapter 300, Section 14-8-5, as amended) is amended to read:

11 "3-8-7. MUNICIPAL CLERK-- COUNTY CLERK-- ELECTION
12 DUTIES. --

13 A. The municipal clerk shall:

- 14 (1) administer the municipal election;
- 15 (2) with the consent of the governing body,
16 secure the necessary polling places;
- 17 (3) see that all necessary supplies and
18 equipment are present at each polling place prior to the
19 opening of the polls on the day of the election;
- 20 (4) certify voting machines;
- 21 (5) conduct an election school for precinct
22 board members as required in Section 3-8-21 NMSA 1978;
- 23 (6) keep the office of the municipal clerk
24 open on election day for the purpose of receiving ballot
25 boxes, election returns and materials until all election

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1 returns and materials are received; and

2 (7) within fifteen days of the holding of any
3 municipal election, forward to the county clerk or the county
4 election administrator a listing of all individuals voting in
5 the municipal election.

6 B. Within fifteen days of the adoption of the
7 election resolution, the municipal clerk shall request in
8 writing from the county clerk or the county election
9 administrator the registered voter lists and signature rosters
10 containing only the qualified electors eligible to vote in the
11 municipal election. At least seven days prior to every
12 municipal election, the county clerk or the county election
13 administrator shall furnish to the municipal clerk the
14 registered voter list and signature roster containing only the
15 qualified electors eligible to vote in the municipal election.
16 A municipal clerk shall not amend, add or delete any
17 information to or from the registered voter list except as
18 otherwise provided by law. The registered voter list shall
19 constitute the registration list for the municipal election.
20 The registered voter list does not have to be returned to the
21 county clerk or the county election administrator. The
22 municipality shall bear the reasonable cost of preparation of
23 the voter lists and signature rosters. "